

REMARKS

Claims 1-7 are pending in the instant application. Independent claims 1 and 4 have been amended.

In paragraph 2 of the Office Action, claims 1-7 were rejected under 35 USC 101 as being directed to non-statutory subject matter. The Examiner stated that claims 1-7 “do not recite any structure or functionality to suggest that a computer performs the recited claims.”

Independent claims 1 and 4 have been amended to recite that the automatically performed steps are performed at or via a computer.

Claims 1 and 4, and their respective dependent claims 2-3 and 5-7, are believed to recite statutory subject matter. Withdrawal of the rejection of claims 1-7 under 35 USC 101 is requested.

In paragraph 4 of the Office Action, claims 1-3 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent Publication 2001/0044767 (Madoff).

Claim 1 is directed to a method of facilitating trading, comprising satisfying a condition at a market, and automatically, at a market participant's computer, receiving a new contra-side best market price in advance of other market participants while the condition at the market is satisfied.

Claim 1 pertains to a trader (market participant) who benefits from a so-called “first look” market feature that enables the trader to look at a new contra-side best market price before other traders, when the trader satisfies a condition. Typically, the condition is that the trader provides the best market price. Thus, the first look feature is an incentive to traders to satisfy the condition, i.e., be the best market price provider. Conventional systems are not configured to provide services based on the identity of the owners of orders, rather, conventional systems are

directed to uniform treatment of all interactions between participants, and would have to be fundamentally revised to operate in this manner.

Support for claim 1 may be found in Fig. 76 and at page 32, line 27 – page 33, line 8, and at page 90, lines 19-27 of the present application.

The cited portion of Madoff, paragraphs 55-57 and 62, fails to show or suggest the features recited in claim 1. Rather, the cited portion of Madoff pertains to the specifics of an order matching algorithm operative at a central location, not a trader's location. Order matching is quite different than providing market data. Specifically, Madoff fails to show or suggest the claimed receiving, at a market participant's computer, a new contra-side best market price in advance of other market participants while the condition at the market is satisfied, as required by claim 1.

Claims 2-3, in depending from claim 1, incorporate all of its features and so claims 2-3 are similarly patentably distinguished from Madoff.

Withdrawal of the rejection of claims 1-3 under 35 USC 102(e) is requested.

In paragraph 6 of the Office Action, claims 4-7 were rejected under 35 USC 102(e) as being anticipated the Streamer free real time stock quote service, www.findarticles.com/m4PRN/1999/NOV (Streamer).

Claim 4 is directed to a method of facilitating trading, comprising automatically, via a computer, notifying a selected party of a new contra-side best market price, and automatically, via the computer, notifying other market participants of the new contra-side best market price after a predetermined time from when the selected party was notified of the new contra-side best market price.

Claim 4 corresponds to the activity described in claim 1, except that claim 4 is from the viewpoint of a market whereas claim 1 is from the viewpoint of a market participant.

Streamer describes a streaming stock quote service that makes quotes available to all registered users at the same time. Streamer has no mechanism for selecting a particular user and providing a different quality of service to the selected user than to all other users. Specifically, Streamer fails to show or suggest notifying other market participants of a new contra-side best market price after a predetermined time from when a selected party was notified of the new contra-side best market price, as required by claim 4.

Claims 5-7, in depending from claim 4, incorporate all of its features and so claims 5-7 are similarly patentably distinguished from Streamer.

Withdrawal of the rejection of claims 4-7 under 35 USC 102(e) is requested.

All of the claims of the instant application are believed to be in condition for allowance. A Notice of Allowance is solicited.

Please contact the undersigned if there are any questions.

Respectfully submitted,

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